

the 92 million Americans who are not working right now and to all the working men and women struggling to just put food on the table to feed their kids. This Executive amnesty is profoundly unfair, especially to the African-American community, which is facing historic unemployment.

If Congress acquiesces and does not stand up and assert the prerogative of this institution to legislate, to pass laws, and prevent the President from ignoring the laws on the books, then we will have ceded our authority not just on immigration but across the field.

It is incumbent on all of us to defend the Constitution, and it is my hope that the Senators who take an oath to uphold the Constitution will honor that oath more than party allegiances.

I will note that in recent weeks no fewer than a dozen Democratic Senators have publicly criticized President Obama's illegal Executive amnesty. I welcome that criticism. It is nice to see that sort of candor coming from Democratic Senators, but, as my wife is fond of telling me, talk is cheap. If those dozen Democratic Senators who criticized President Obama's Executive amnesty as illegal and unconstitutional mean what they say, then the only responsible action is to use our legislative authority to stop it.

I hope my Democratic colleagues will put partisan politics aside—even those who may agree with President Obama's amnesty—and say that the way to change the immigration laws is to work with Congress and compromise. You may not get everything you want, but we have a system of checks and balances.

It is striking—in many ways the simplest and best explanation of what the President has done came from “Saturday Night Live.” The week after the President's illegal amnesty, “Saturday Night Live” reprised the classic “Schoolhouse Rock—How a Bill Becomes a Law.” They had a giant dancing, singing bill come out and say: “First I go to the House, then I go to the Senate, and if I'm lucky, the President will sign me and I become a law.” Then on “Saturday Night Live,” President Obama walked out onto the steps of the Capitol and pushed the bill down the steps of the Capitol. He pushed the bill down the steps of the Capitol four separate times, and then out walked an Executive order smoking a cigarette, as it so happens, and it simply said: “I'm an Executive order. I pretty much just happen.”

Do you know what? “Saturday Night Live” is exactly right. The President is ignoring the basic checks and balances of our Constitution and trying instead to decree the law. That is unconstitutional, and a portion of this bill that has been sent over from the House of Representatives funds the Department of Homeland Security to carry out that unconstitutional action.

Therefore, Madam President, I am now offering and raising a constitu-

tional point of order against division L of this bill on the grounds that it violates the following provisions of the Constitution: the separation of powers embodied in the vesting clauses of Article I, Section 1 and Article II, Section 1; the enumerated powers of Congress stated in Article I, Section 8; and the requirement that the President take care that the laws be faithfully executed, as stated in Article II, Section 3.

It is incumbent on this body to resolve those constitutional questions and to honor and protect the constitutional authority of the United States Congress.

The PRESIDING OFFICER (Ms. WARREN). Is the Senator raising the point of order at this time?

Mr. CRUZ. I am.

The PRESIDING OFFICER. At this time, a motion to refer is pending barring other actions on the measure.

Mr. CRUZ. Madam President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. REID. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REID. I appreciate everyone's patience. You have all been waiting.

I ask unanimous consent that at 5 p.m., Monday, December 15, the Senate proceed to vote on the motion to invoke cloture on the motion to concur in the House amendment to the Senate amendment to H.R. 83; that if cloture is invoked, there be 30 minutes postcloture debate time remaining on the motion to concur.

The PRESIDING OFFICER. Is there objection?

Mr. LEE. Madam President, reserving the right to object. The American people have grave concerns with the President's decision to take action unilaterally with regard to Executive amnesty. This is an action that is rather unprecedented and rather unsupported by law, notwithstanding the President's insistence to the contrary. It is an issue that is of concern to a great many people.

Right now we are being asked to punt all of our activity until Monday at 5 p.m. I don't see any reason to do this. I don't see any reason why the Senate should suspend its operations while the American people are waiting for us to act. I don't see any reason why we should wait until Monday at 5 p.m. I certainly don't see any reason why we should agree to move forward then and not have any assurance that we would at least have an opportunity to vote on an amendment that would impose a spending limitation on the President's ability to implement his Executive amnesty action.

I would respectfully request that the majority leader modify his request and that he modify his request to assure us that we would receive a vote on a

spending limitation amendment that we could have in connection with the CR/omnibus when we reconvene.

The PRESIDING OFFICER. The majority leader.

Mr. REID. I am unable to do that.

Mr. LEE. In that case, I object.

The PRESIDING OFFICER. Objection is heard.

MORNING BUSINESS

FOIA IMPROVEMENT ACT

Mr. LEAHY. Madam President, I am deeply disappointed that last night the House failed to pass the FOIA Improvement Act. This bipartisan bill was reported unanimously by the Senate Judiciary Committee last month, and it was the product of months of hard work by Senator CORNYN and me. Our bill is supported by more than 70 public interest groups that advocate for government transparency, and it passed out of the Senate unanimously. I would think that Members of the House Republican leadership, who have spent so much time on oversight of the Obama administration, would support the goal of making government more accountable and transparent, but instead of supporting this bill, they have chosen secrecy over sunlight.

The FOIA Improvement Act would codify what the President laid out in his historic Executive order in 2009 by requiring Federal agencies to adopt a “presumption of openness” when considering the release of government information under FOIA. This bill would require agencies to find a foreseeable harm if they want to withhold information from the public. Prioritizing the people's interest in what their government is doing, our bill will reduce the overuse of exemptions to withhold information. Federal agencies have been required to apply this standard since 2009. They also used this same standard during President Clinton's terms in office. It was only during President George W. Bush's term of secrecy that this standard was rolled back. It appears the House leadership wants to return to that era. It should not matter who is in the White House, information about what their government is doing belongs to the people.

In a political climate as divided as this, I had hoped that we could come together in favor of something as fundamental to our democracy as the public's right to know, that government transparency and openness would not just be the standard applied to the Obama administration but what is applied to every future administration. The FOIA Improvement Act would have done just that.

SUCCESSFUL EFFORTS TO ADDRESS CYBER BULLYING

Mr. LEAHY. Madam President, I want to take a moment to share with the Senate one successful story coming out of Vermont.

In this digital age, our children have the opportunity to communicate, to collaborate, and to connect at all times over their cell phones, tablets, social media pages and blogs. But with this limitless connectivity also comes a responsibility to make use of these technologies maturely and respectfully. In Vermont, students and their school community have boldly fought back against cyber bullying. I want to praise their efforts and call the Senate's attention to their achievement.

Cyber bullying has become one of the most troubling threats to the safety and security of our children in this time of unprecedented digital access. Last week, students at Rutland High School were targeted online, as negative posts on an anonymous school news app were discovered. Together, students and school leaders gathered to address this negativity and to recommend themselves to building a more positive school environment. These students organized a "Positive Post-It" event to change the climate and then called on one another to delete the application.

Rutland High students went further still and banded together to issue a petition to persuade Apple to take down the app so that other students would not be victimized by anonymous posts. After the gathering, Rutland High School principal Bill Olsen said on Monday "kids left school on that day feeling very good about how they could help each other overcome such adversity." Governor Peter Shumlin has also touted their accomplishment.

According to the 2013 Youth Risk Behavior Surveillance Survey, more than 15 percent of high school students were electronically bullied in the past year. Rutland High School has gained international attention, as a wonderful example of how students have acted bravely to stand up against this trend and to hold one another accountable for a safe school space. Other States are following this trend as well. In Michigan, school leaders have also recently spoken out against the use of apps that promote anonymous, negative online behavior. The petition to remove the app has been successful, and Apple has since removed it from its online store.

The leadership that these students have displayed is admirable, heroic, and an example to others. In recognition of their efforts, I ask unanimous consent to have an article from *The Rutland Herald* printed in the *RECORD*.

There being no objection, the material was ordered to be printed in the *RECORD*, as follows:

[From the *Rutland Herald*, Dec. 6, 2014]

RHS RALLIES AGAINST CONTROVERSIAL APP

(By Erin Mansfield)

Students and faculty at Rutland High School organized this week against a controversial iPhone app they say is being used to bully students via their cellphones.

Principal Bill Olsen said Friday he found out about the After School app Wednesday morning, when many students ended up cry-

ing in their guidance counselors' offices because of the things other students wrote about them on the Internet.

An app, short for application, is a computer program often used on smartphones and mobile devices that can access the Internet. After School, according to the iTunes Store, works as a virtual bulletin board for posting "funny, anonymous school news for confessions and compliments."

But Olsen said most of the things being posted are harming students' self-esteem at school, so the administration immediately sent out a letter to parents and began asking student leaders to speak out against the app.

Catherine DiPalma, a senior, said anyone can download the app for free through iTunes. Students log in using a Facebook account, confirm the school they attend, and begin posting anonymously.

A cheerleader, DiPalma said she and about 25 other students involved in clubs or sports teams went on the school's video announcements Thursday morning to ask their peers to delete the app from their phones and support the kids who had their feelings hurt.

"Nobody wants to walk down the hall and see their friends crying," she said. "Even if you're not friends with someone, we said 'stand up.'"

Olsen and the student leaders then asked kids to respond by writing positive messages on colorful Post-It notes and sticking them on windows in many of the school's hallways.

Some of the messages on the windows Friday were directed specifically to cheer up kids who had been criticized on the app, and some were compliments for their favorite teachers. Others told their peers to "please go gay for me" and "nice butt."

"I thought it was awesome," said Logan Boyle, another senior who spoke with the group on the morning announcements.

"I think it's cool that you can walk down the hall and see all the awesome things people say," she said.

"A lot of us had the app, and we were just reading it," she said. "We told everyone that just by having the app and reading it, you're giving power to the people who are saying the mean things."

Kate Herling, a RHS guidance counselor who advises a student group against cyber bullying, said bringing student leaders into their advocacy was effective.

"Kids were supporting one another," Herling said. "Now we walk down the hall and see people smiling because maybe they found their name."

She said, "I felt that everyone kind of came together to really stop this and make a positive thing about such a nasty thing that really happened."

Olsen said he and Superintendent Mary Moran have sent out letters to get the state's Agency of Education and the Vermont Superintendents Association to organize around the issue.

They said they want local schools to gather together and pressure the app's creator to delete the software, and get Apple to take down the app from the iTunes Store. As of Friday, the store labeled the app for "frequent/intense mature/suggestive themes," and for ages 17 and up.

Rebecca Holcombe, the state's secretary of education, said Rutland City Public Schools "is quite rightly going after it." She said the Agency of Education just received the district's letter and will address the concern next week.

"There is free speech," Holcombe said. "There's also bullying, and bullying is not protected speech in school. Parents send us their children as a public trust, and one of those things is protecting them from bullying and harassment."

"We do honestly find it extremely troubling, and we do think it shows extremely poor judgment on the part of the company," she said.

A Michigan student's petition against the app says Massachusetts-based Ambient Corporation is the developer of After School. But a company representative said Friday they have nothing to do with the app.

The iTunes Store says ONE, Inc. holds the copyright, but that company was unable to be reached for comment.

The After School app website says: "We believe in free speech and the ability for people to express themselves. If you find the majority of the content too offensive, consider using your phone to instead look at cat pictures or browse a less cutting-edge social network like Facebook."

Olsen pointed to news articles from Michigan and Minnesota, where he said schools are warning parents about the effects of the After School app on their children and encouraging them to remove it from their smartphones.

"Apps like this and companies that make them really should be held accountable," Olsen said. "The kids set an example for the adults (on Thursday). We should do the same thing and try to fight this."

NET NEUTRALITY

Mr. LEAHY. Madam President, the principle of "net neutrality" to protect an open Internet has found its way into the public consciousness like few other regulatory issues that I have seen in my time in the Senate. Over 3.5 million Americans have submitted comments to the Federal Communications Commission, FCC, during its consideration of replacement net neutrality rules this year. The reason for this record-setting level of public engagement is simple: The net neutrality debate is fundamentally about how we want the Internet to operate. Millions of Americans have made their voices heard because they want an open and free Internet that works for everyone, not simply those with deep pockets. I could not agree more.

An Internet that is split into the haves and have-nots is unacceptable. That is why the FCC should enact clear and enforceable rules to prevent "paid prioritization" agreements that would allow some content providers to outbid smaller competitors to gain fast-lane service to customers online. At the same time, the country's leading broadband providers should unequivocally commit that they will not engage in this type of detrimental deal. We need meaningful pledges from our Nation's broadband providers that they share the American public's commitment to an Internet that remains open and equally accessible to all.

In October, I wrote to the major Internet service providers, ISPs—Comcast, Time Warner Cable, Charter, Verizon, and AT&T—asking them to make exactly that commitment. They all maintained that they do not currently plan to engage in paid prioritization—an assertion I welcome. What they did not do was answer my call for a firm commitment that they will never engage in that behavior in